

Message Text

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ACTION IO-13

INFO OCT-01 AF-10 EUR-12 ISO-00 EB-07 ARA-10 EA-09
NEA-10 CCO-00 CIAE-00 OTPE-00 FCC-02 INR-07
NSAE-00 OC-06 USIA-15 COME-00 BIB-01 OIC-02 FEA-01
ACDA-10 L-03 NSC-05 NRC-07 OES-07 DODE-00 ERDA-07
SS-15 IOE-00 OMB-01 TRSE-00 /161 W
-----161959Z 023057 /44

P R 161704Z MAY 77
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7407
INFO USMISSION USUN NEW YORK
USMISSION IAEA VIENNA
AMEMBASSY LONDON
AMCONSUL MONTREAL
AMEMBASSY NAIROBI
AMEMBASSY PARIS
AMEMBASSY ROME

UNCLAS GENEVA 3794

E.O.: 11652: N/A
TAGS: ETEL, ITU
SUBJ: ITU: STATUTE OF JIU

REF: (A) STATE A-1073 (B) STATE 103563

1. TELATT, WHO DID NOT RECEIVE REF A UNTIL MAY 11
CALLED ON ITU DEPUTY SECRETARY GENERAL BUTLER MAY 12,
IN ABSENCE OF SECRETARY GENERAL MILI, WHO WAS AWAY
ON OFFICIAL TRIP.

2. AFTER MAKING PITCH FOR RATIFICATION OF JIU STATUTE
PER REF A, TELATT REQUESTED BUTLER'S VIEWS. BUTLER
REPLIED THAT SUBJECT WAS ON AGENDA OF UPCOMING ADMIN-
ISTRATIVE COUNCIL SESSION, MAY 23 - JUNE 10 AND THEN
VENTURED SECRETARIAT VIEWS.

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3. WHILE RECOGNIZING NEED FOR JIU AS EXTERNAL AUDIT
MECHANISM UNTIL BETTER METHOD IS EVOLVED, BUTLER
HAS SERIOUS MISGIVINGS ABOUT JIU STATUTE AS APPROVED
BY UNGA IN 1976 BECAUSE:

A. IT REQUIRES JIU REPORTS TO BE SENT DIRECTLY TO

MEMBER STATS WITH OR WITHOUT APPROVAL OF EXECUTIVE HEAD OF AGENCY (ARTICLE 11, 4, C); THIS CAUSES PARTICULAR PROBLEMS IN ITU, WHERE THE PLENIPOTENTIARY CONFERENCE (THE UNION'S "GENERAL ASSEMBLY") IS HELD ONLY ONCE EVERY FIVE TO EIGHT YEARS;

B. WHILE ITU HAS NO PROBLEM WITH JIU'S TASK OF AUDITING PROGRAM IMPLEMENTATION, QUESTION IS WHERE DOES PROGRAM EVALUATION STOP AND POLITICAL OR POLICY EVALUATION BEGIN. IN 1975, A JIU INSPECTOR OF ARGENTINE NATIONALITY CAME TO ITU UNANNOUNCED AND UNDERTOOK EVALUATION OF ITU'S TECHNICAL COOPERATION PROGRAM. WHILE INSPECTOR FOUND THESE PROGRAMS MANAGED WELL, HE TOOK STRONG EXCEPTION TO SYG (AND ADMINISTRATIVE COUNCIL AND USG) INTERPRETATION OF ITU CONVENTION AS PROHIBITING EXPENDITURE OF REGULAR BUDGET FUNDS FOR TC PURPOSES AND OVER OBJECTION OF SYG PROPOSED TO COUNCIL THAT ITU DIVERT REGULAR BUDGET FUNDS FOR SUCH EXPENDITURES. COUNCIL MERELY NOTED REPORT AT 1976 SESSION (SEE 1976 COUNCIL DOC. 4925). INSPECTOR ALSO RECOMMENDED ITU DO MORE TO IMPLEMENT NEW INTERNATIONAL ECONOMIC ORDER (NIEO).

C. STATUTE ESTABLISHES JIU AS SUBSIDIARY ORGAN OF LEGISLATIVE BODIES OF SPECIALIZED AGENCIES (ARTICLE 1.2). ITU IS GOVERNED BY CONVENTION OF MALAGA/TORREMOLINOS OF 1973, UNDER WHICH ITU ITSELF SETS UP ITS OWN SUBSIDIARY BODIES. RELATIOS WITH JIU ARE GOVERNED BY RES. 33 OF THAT CONVENTION. APPROVAL OF JIU STATUTE WOULD UNCLASSIFIED

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REQUIRE MODIFICATION OF ARTICLE 5 OF TORREMOLINOS CONVENTION; NEXT PLENIPOTENTIARY CONFERENCE (ONLY ORGAN COMPETENT TO REVISE A CONVENTION) WILL NOT BE HELD BEFORE 1980.

D. FINANCIAL CONSEQUENCES TO SPECIALIZED AGENCIES WILL BE SIGNIFICANT. NUMBER OF INSPECTORES WILL BE INCREASED FROM EIGHT TO ELEVEN AND STAFF WILL BE INCREASED PROPORTIONATELY; INSPECTORS WILL ALL BE PAID AT D-2 LEVEL; THEY WILL ALL BE PLACED UNDER UN PENSION SYSTEM (IN WHICH THEY DO NOT NOW PARTICIPATE); SPECIALIZED AGENCIES WILL BE REQUIRED TO BEAR COSTS OF PRINTING AND TRANSLATION OF JIU DOCUMENTS. ITU OPERATES UNDER BUDGET LIMITATIONS FIXED AT PLENIPOTENTIARY CONFERENCES, THE LAST ONE IN 1973, THE NEXT IN 1980-82 TIME FRAME. ITU CONTRIBUTIONS TO JIU ARE FIXED UNDER THESE CEILINGS ON BASIS OF 1973 SITUATION. QUESTION: WHERE WOULD ADDITIONAL FUNDS COME FROM?

4. IN COURSE OF CONVERSATION WITH BUTLER, OTHER
QUESTIONS AROSE INCLUDING FOLLOWING:

A. HOW CAN AN INCOMPETENT INSPECTOR BE FIRED?
ARTICLE 4.4 REQUIRES UNANIMOUS CONSENT BY ALL TEN
OTHER INSPECTORS - ONE NEGATIVE VOTE WOULD VETO;

B. WHAT IS MEANT BY "EQUITABLE GEOGRAPHIC
REPRESENTATION" IN ARTICLE 3.1? WILL INSPECTORS BE
CHOSEN BY GEOGRAPHIC AREAS? ARTICLE 2.1 SPECIFIES THAT
INSPECTORS BE CHOSEN FROM AMONG MEMBERS OF "NATIONAL
SUPERVISION OR INSPECTION BODIES ...". UP TO NOW VIRTUALLY
ALL INSPECTORS HAVE BEEN RETIRED DIPLOMATS. HOW DOES
THIS SQUARE WITH ARTICLE 3.1;

C. WHILE ARTICLE 6.3 SOUNDS GOOD ON PAPER, HOW CAN
IT BE REASONABLY ENFORCED? UNDER TERMS OF ARTICLE 6.2
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INSPECTORS MUST BE GIVEN ALL DOCUMENTS THEY REQUEST
INCLUDING CONFIDENTIAL INFORMATION. ITU WOULD, FOR
EXAMPLE, BE REQUIRED TO HAND OVER TO SOVIET INSPECTOR
ALL CONFIDENTIAL U.S. TECHNICAL TELECOMMUNICATIONS
DOCUMENTATION IF HE STATES HE IS STUDYING ORGANIZATION'S
PROCESSING OF TECHNICAL INFORMATION. IF ARAB INSPECTOR
DEMANDS ALL ITU DOCUMENTS DEALING WITH ISRAEL ON BASIS
HE EXAMINING ITU COMPLIANCE WITH UNGA RESOLUTIONS, HE
WILL GET THEM.

D. BY SUBSTITUTING PERMANENT STATUTE OF JIU FOR
RENEWABLE ONE, DO NOT THE UN AND MEMBER STATES GIVE UP
SINGLE MOST IMPORTANT MEANS OF PREVENTING INSPECTION
UNIT FROM GOING OUT OF CONTROL? IN PAST, EXCESSES
COULD BE AVOIDED INASMUCH AS UNIT'S NEED FOR RENEWAL
OF ITS MANDATE WOULD INHIBIT "FAR OUT" BEHAVIOR.
WHAT WILL TAKE THE PLACE OF THE RENEWABLE MANDATE
TO PROVIDE ANY SORT OF CONTROL MECHANISM?

5. MISSION WOULD APPRECIATE DEPT'S GUIDANCE IN
REPLYING TO ISSUES RAISED UNDER PARAS THREE AND FOUR
ABOVE.SORENSEN

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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
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Subject: ITU: STATUTE OF JIU
TAGS: ETEL, SZ, US, ITU, JIU
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Type: TE
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